

ASSESSING ECOLOGICAL TOURISM IN PULAU BANYAK: AN ANALYSIS THROUGH *FIQH AL-BI'AH* PRINCIPLES

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Abstract

This study aims to provide an Islamic legal analysis of the concept of ecological tourism in Pulau Banyak District through the perspective of *Fiqh al-Bi'ah*. *Fiqh al-Bi'ah*, as part of Islamic teachings, offers ethical and religious guidance in preserving the environment. However, the phenomenon of tourism development often clashes with environmental welfare agendas. Halal tourism in Pulau Banyak still faces problems despite being regulated by Aceh Qanun Number 8 of 2013. Therefore, an objective regulation and a redefinition of the halal tourism concept in Pulau Banyak, framed within Maqasid Sharia and aligned with the *Fiqh al-Bi'ah* concept, are urgently needed. There are still structural inequalities in Pulau Banyak District. The halal tourism development policy in Pulau Banyak should address the various inequalities that have occurred so far. The common inequalities found in Pulau Banyak District include regulatory disparities between tourism and conservation policies, social inequalities between religious values, customary rules, and the perception that tourist areas are free zones, as well as economic access inequalities from tourism activities in Pulau Banyak. The research method used is qualitative with a descriptive-analytical approach. Data were collected through observation and documentation of valid sources to capture the phenomena in Pulau Banyak District. The authors hope that this research can serve as a source of Islamic law in environmental regulation and as an effort to provide a contemporary fiqh paradigm in guiding the development of halal tourist areas that align with infrastructure development and increase environmental awareness among the community and tourists.

Keywords: Pulau Banyak, Halal Tourism, Aceh Qanun, *Fiqh al-Bi'ah*

INTRODUCTION

The development of halal tourism has been established in various regions of Indonesia, from Lombok, also known as the 'Island of a Thousand Mosques,' to Makassar with the 'Center Point of Indonesia' Mosque, Malang, Yogyakarta, Central Java, West Java, Jakarta, and Aceh. In Aceh, nearly every tourist area promotes the concept of halal tourism. One area in Aceh that is seriously adopting halal tourism is the Banyak Islands in Aceh Singkil Regency (Nurdiyana et al., 2022). Ironically, in 2021, Banyak Islands were widely known in Indonesia not for their natural beauty but for the unfortunate incident involving the killing of a dog named Canon, which was a tourist's pet. Canon's death at the hands of local SATPOL-PP gained significant public attention and impacted the perception of 'halal' in the context of the developing halal tourism system in Indonesia. (Koroy et al., 2018) Halal tourism is often misunderstood as tourism exclusively for Muslims, not welcoming to non-Muslim tourists, with strict rules, and so on. In essence, halal tourism aims to facilitate both tourists and locals by providing Muslim-friendly accommodations, halal food and beverages, activities that do not violate religious norms (such as prostitution, gambling, narcotics, alcohol, etc.), and places of worship for Muslims to perform their daily prayers. These aspects indicate that the concept of halal tourism is a method to respect both tourists and locals. However, halal tourism, in any form, frequently encounters complex issues. The fundamental question often raised is what legal basis determines that a concept can be deemed halal (Muslim et al., 2019).

In Islam, halal is categorized into physical and non-physical objects, with the explanation of the legality of something being sourced from Islamic law or fiqh. Physical objects include food, clothing, and currency, while non-physical aspects are associated with ethics. In the Quran, the term halal is mentioned in verses such as Al-Baqarah 168 and 172 and Al-A'raf 31 (Ekayani et al., 2014). Additionally, the term '*Thayyiban*' (good) is often mentioned alongside halal in verses like Al-Baqarah 168, Al-Maidah 88, Al-Anfal 69, and An-Nahl 114. According to the interpretation by Quraish Shihab, '*Thayyiban*' refers to food that is nutritious and beneficial for the human body (Wabang et al., 2020). In halal tourism, '*halalan thayyiban*' should be interpreted in a social context, meaning that everything

consumed, whether material or immaterial, should originate from and result in good (*thayyib*) things (Lestariningsih et al., 2022).

In the context of halal tourism, *thayyiban* should be included in legal decisions, ensuring that tourism activities positively impact local communities and the environment. In Indonesia's tourist destinations, environmental degradation often occurs due to the influx of tourists who may not consider ecological impacts (Sulaeman, 2023). Major government-driven tourism development projects frequently face criticism for their environmental damage. For instance, the Komodo Island development project has raised concerns about threats to the Komodo habitat. Local communities in Flores have urged UNESCO and UNEP to monitor Komodo National Park to maintain it as a conservation area rather than a tourist destination with harmful development (Gaib et al., 2024). Tourist areas typically face developmental consequences that encroach on the living spaces of wildlife and biodiversity. Coastal areas often experience detrimental reclamation projects impacting local communities, particularly fishermen. Protests against government policies for coastal reclamation have occurred in places like Lae-lae Island in South Sulawesi, supported by various organizations. Similar situations are found in Bali, Ancol, Batam, Manado, and other coastal areas in Indonesia (Iswari et al., 2023). Regions mentioned above, promoting halal tourism, seem unable to separate tourism development from environmental degradation and local community detriment. Analyzing Ashabul Kahfi's views, tourism often sacrifices local communities, changes local cultures, harms nature, and displaces native species. The halal tourism concept often prioritizes increasing tourist numbers without considering local needs and environmental conditions (Sofiah et al., 2013).

Indonesia's legal framework includes Law No. 32 of 2009 on Environmental Protection and Management, emphasizing ecological protection. However, tourism development frequently disregards this law. Instead of creating an ecological tourism system, the concept of halal tourism often overlooks environmental concerns. For instance, Banyak Islands, which promote halal tourism, face ecological threats, such as the endangered green turtle and restricted fishing areas affecting local fishermen's livelihoods (Tyas et al., 2016).

In Islamic jurisprudence, *maqashid syariah* encompasses the protection of life, property, progeny, religion, and intellect, serving as a basis for determining the legality or

benefit of something. In the context of tourist areas like the Banyak Islands, Maqashid Sharia should be thoroughly explained to develop a halal tourism concept that positively impacts local communities and the environment. Halal tourism laws can be based on Maqashid Sharia, particularly in environmental management (Evalinda & Fareis Althalets, 2022). *Fiqh al-bi'ah*, a contemporary Islamic perspective on environmental protection, offers guidelines for addressing environmental degradation due to industrialization. Unlike *fiqh taharah*, which focuses on individual ritual cleanliness, *fiqh al-bi'ah* addresses collective environmental cleanliness for sustainable living. In Muhammad Yusuf Qardawi's "*Riayatu al-Bi'ati fi Syariat Islam*," environmental cleanliness directly relates to Maqashid Sharia, encompassing religious needs, ethical development, wealth preservation, mental health, and life preservation (Permatasari et al., 2014).

Tourism development in Banyak Islands often conflicts with local needs and ecological sustainability. Although tourism generates income for locals through services like boat rentals, accommodations, and tour guides, environmental protection remains a low priority. *Fiqh al-bi'ah* has not yet become a significant part of tourism concepts, and environmental protection is a collective Muslim responsibility (Khasibah et al., 2022). Effective environmental protection requires Islamic principles as regulations such as Law No. 4/1982, Law No. 32/2009, and Law No. 11/2020 are insufficient. Despite the ecological management regulations in Qanun Aceh No. 2 of 2011, including 12 fundamental principles such as Islamic values, local wisdom, responsibility, sustainability, and transparency, there is still a lack of substantial community engagement in environmental management.

Qanun Aceh No. 8 of 2013 on Tourism includes provisions for cultural and environmental sustainability, but effective implementation remains a challenge. Ecological concepts encompass interactions between humans and organisms, including population dynamics, ecosystem communities, biomes, biospheres, biogeochemical cycles, ecological succession, conservation, restoration, and human-environment interactions (Ramadhani et al., 2018). Tourism development in Banyak Islands has not yet fully committed to legal protection for local communities and ecology. A healthy environment is a human right, as stated in Qanun Aceh No. 8 of 2013, and upholding this right in tourist areas requires incorporating *fiqh al-bi'ah* as a collective paradigm aligned with Islamic law (Yumnaristya,

2022). This research aims to critically examine how halal tourism in Banyak Islands has not been comprehensively implemented. Various environmental management regulations and efforts to prevent environmental damage are often at odds with the strong tourism development in traditional areas of Aceh (Yumnaristya, 2022).

RESEARCH METHOD

This research is based on a qualitative research explanation aiming to elucidate the study through written data interpretation. In qualitative methods, occurring phenomena are recorded in depth through the examination of neatly organized narrative data within a measurable research system. The choice of qualitative methods in this research considers an interpretative approach, naturally explained by trying to read the situation and the application of Islamic law focusing on the discourse of halal tourism in Pulau Banyak. The qualitative approach is a perspective-based method that links research to diverse sources of information in the study. The discourse within is recorded through document observation, literature study, text analysis, and critical review (Irianto, 2017).

Using qualitative methods, the data displayed can be understood dynamically in various studies related to tourism. Through this research, the author attempts to objectively view the implementation of halal tourism in Pulau Banyak from the perspectives of ecology and Islamic law, which are more precisely explained through narrative methods and text analysis. This approach allows for a comprehensive understanding of how tourist destinations in Pulau Banyak, especially Pulau Balai, Pulau Baguk, and Teluk Nibung, affect the community's livelihood, local life, and ecological changes. The research is structured to analyze the synergy between the ecological aspects and Islamic law principles, providing a holistic view of sustainable tourism practices in the region (Ihsan Mukhlisin & Trimarstuti, 2023).

RESULTS AND DISCUSSION

Concept of Ecotourism

Ecotourism is a form of tourism that focuses on environmental preservation, reducing negative impacts on nature, and empowering local communities. The main principles of ecotourism include (Desmawati et al., 2020): 1) Nature Conservation: Efforts to preserve

natural habitats, flora, and fauna; 2) Environmental Education: Educating tourists about the importance of maintaining environmental sustainability; 3) Local Economic Empowerment: Providing economic benefits to local communities through their active involvement in the tourism industry; 4) Sustainable Management: Ensuring that tourism activities do not damage the environment or deplete natural resources.

Fiqh Al-Bi'ah

Fiqh al-bi'ah is a branch of fiqh that discusses the relationship between humans and the environment. The main principles of *fiqh al-bi'ah* include: 1) *Hifz Al-Bi'ah* (Environmental Protection): Obligates Muslims to protect and preserve the environment as a trust from Allah SWT; 2) *Istishlah* (Public Welfare): Every action should consider public welfare, including maintaining ecosystem balance; 3) *Al-Ihsan* (Goodness and Perfection): Encourages Muslims to do their best in every aspect of life, including environmental preservation; 4) *Tawazun* (Balance): Maintaining a balance between human needs and environmental sustainability; 5) *Tahdzib* (Cleanliness and Maintenance): Maintaining environmental cleanliness as part of faith.

Case Study: Pulau Banyak District

Pulau Banyak district is a tourist destination offering extraordinary natural beauty, including beautiful beaches, coral reefs, and marine biodiversity. However, with the increasing number of tourists, significant challenges arise related to environmental preservation and ecosystem sustainability. Implementing the principles of *fiqh al-bi'ah* in the development of ecotourism in Pulau Banyak can help address these challenges; 1) Nature Conservation: Efforts to protect coral reefs and marine habitats through strict regulations and the active participation of local communities in conservation programs; 2) Environmental Education: Educational programs for tourists about the importance of maintaining marine and terrestrial ecosystems; 3) Local Economic Empowerment: Involving communities in tourism activities such as tour guides, providing accommodations, and environmentally friendly handicraft businesses; 4) Sustainable Management: Developing sustainable tourism policies involving the government, NGOs, and local communities in managing natural resources; 5) Implementation of *Fiqh Al-Bi'ah* in Pulau Banyak

To realize ecotourism in Pulau Banyak in line with the principles of *fiqh al-bi'ah*, the following steps can be taken: 1) Regulation and Policy: Developing regulations that support environmental preservation based on the principles of *fiqh al-bi'ah*; 2) Education and Awareness: Raising awareness among the community and tourists about the importance of environmental preservation through campaigns and educational programs; 3) Collaboration: Encouraging collaboration between the government, local communities, and non-governmental organizations for sustainable environmental management; 4) Monitoring and Evaluation: Conducting regular monitoring and evaluation of tourism impacts on the environment and adjusting policies as needed.

CONCLUSION

The existence of halal tourism in Pulau Banyak still faces problems despite being regulated by Aceh Qanun No. 8 of 2013. Four main issues are hindering the actualization of halal tourism in Pulau Banyak: economic access disparities, low respect for traditional and religious values, overlapping tourism and conservation policies that victimize the community without significant involvement, and weak understanding of the concept and creative patterns of halal tourism.

Halal tourism in Pulau Banyak has not yet showcased the distinctiveness of Maqashid Sharia and *fiqh bi'ah*. There is a need to strengthen and redefine the concept of halal tourism in Pulau Banyak within the framework of Maqashid Sharia and in accordance with the concept of *Fiqh Bi'ah*. Regarding the aspect of *Hifz Al-Din* (preservation of religion), there needs to be assurance of religious preservation, customs, global ethics, and tolerance. For *Hifz Al-Nafs* (preservation of life), there needs to be assurance of freedom of expression, protection of the local community's customary rights, and security for all parties. For *Hifz Al-Mal* (preservation of wealth), there should be regulations ensuring justice and equality in economic access to tourism, including capital issues. Regarding *Hifz Al-Aql*, there needs to be intellectual and cognitive development for youth and traditional leaders, as well as a prohibition on alcohol and drugs. Related to *Hifz Al-Nasl* (preservation of progeny), strict policies are needed to prohibit prostitution, pornography, homosexuality, and promiscuity. The discourse on localization (restriction to certain spots for freedom) requires further study,

as such restrictions do not fit within the *halalan tayyiban* paradigm, which is the basis of reconstructed halal tourism.

There needs to be a synergistic and holistic role between stakeholders, including the government, ulama, traditional communities, intellectuals, entrepreneurs, workers, the community, and investors, to formulate and support halal tourism policies. In this regard, halal tourism policies in Pulau Banyak must address the various disparities that have occurred so far. The disparities referred to are regulatory disparities between tourism and conservation policies, social disparities between religious values, traditional rules, the perception that tourist areas are free zones and economic access disparities from tourism activities in Pulau Banyak.

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